

BEFORE THE  
ILLINOIS COMMERCE COMMISSION

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In the Matter of the Petition of )  
SCC Communications Corp. )  
for Arbitration Pursuant to Section 252(b) ) **OFFICIAL FILE** Docket No. 00-0769  
of the Telecommunications Act of 1996 )  
to Establish an Interconnection Agreement )  
with SBC Communications, Inc. ) AMERITECH I.C.C. DOCKET NO. \_\_\_\_\_  
\_\_\_\_\_ Exhibit No. 3  
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Witness \_\_\_\_\_  
Date 2/5/01 Reporter SR

VERIFIED STATEMENT

OF

MICHAEL D. SILVER

ON BEHALF OF

AMERITECH ILLINOIS

DATED: JANUARY 4, 2001

**VERIFIED STATEMENT  
OF  
MICHAEL SILVER**

**Q1. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.**

A. My name is Michael D. Silver, and my business address is 350 N. Orleans, Chicago, IL 60654.

**Q2. PLEASE SUMMARIZE YOUR EDUCATION.**

A. I received my B.A. and M.A. degrees in Economics from Eastern Illinois University.

**Q3. WHO IS YOUR CURRENT EMPLOYER AND IN WHAT POSITION ARE YOU EMPLOYED?**

A. I am employed by SBC Communications, Inc. as Associate Director of Industry Markets.

**Q4. PLEASE SUMMARIZE YOUR WORK EXPERIENCE.**

A. I was employed by Centel Corporation (now Sprint) from 1979 through 1985. While there, I had various regulatory responsibilities, including revenue requirements, separations, and capital recovery. In January 1986, I moved to NYNEX Service Company, where I was responsible for Federal Access issues. While there, I represented NYNEX on an industry team charged with revising FCC rules and regulations related to separations and access. In March 1987, I joined Ameritech. Since joining Ameritech, my responsibilities have included coordination and filing of federal access filings; service cost development; acting as a primary interface between the Ameritech operating companies and other local exchange carriers in the Ameritech region; and supporting access reform

as it applies to the five intrastate jurisdictions in Ameritech's region. In January of 2000, I was named Product Manager for Feature Group D Access services for the 13-state SBC region. I moved into my current role, as Associate Director of Local Wholesale Marketing, in April of last year.

**Q5. HAVE YOU PREVIOUSLY TESTIFIED BEFORE ANY REGULATORY AGENCIES?**

A. In this Commission, I have submitted testimony in ICC Docket Nos. 99-0403 (Excel Communications, Inc. access charge complaint), 99-0511 (ICC Part 790 Rules), 00-0332 (Level 3 Arbitration), and 98-0396 (TELRIC Dkt.). In other jurisdictions, I have submitted testimony in Cause Nos. 41242 (EAS Bridging) and 90571-INTO3 (AT&T Arbitration) before the Indiana Utility Regulatory Commission; case Nos. U-12287 (AT&T Access Charge Complaint), U-12465 (AT&T Arbitration), and U-12460 (Level 3 Arbitration) before the Michigan Public Service Commission; Docket No. 00-1188-TP-ARB (AT&T Arbitration) in Ohio; and Docket Nos. 6720-T1-156/6720-t1-157 (AT&T/MCI Intrastate PICC Complaint), 05-MA-120 (AT&T Arbitration), and 05-TI-349 (UNE Zone Docket) before the Public Service Commission of Wisconsin.

**Q6. WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

A. The purpose of my testimony is to address two issues pertaining to Unbundled Network Elements (UNEs), namely, issues 4F and 6C.

**Issue 4F, Appendix NIM, Section 6.5**

**Should SCC have to make a BonaFide Request ("BFR") where facilities and/or equipment are not available?**

**Q7. WHAT IS YOUR UNDERSTANDING OF THIS ISSUE?**

- A. As I understand it, SCC is objecting to Ameritech Illinois' (Ameritech) proposed language in the NIM Appendix, Section 6.5, and the associated subsections.

**Q8. WHY IS AMERITECH PROPOSING THIS LANGUAGE?**

- A. This proposed language is standard language detailing the process and timeframes for the provision of leased facilities when no facilities currently exist. This process provides for letting SCC know what it will cost them for the building of the new facilities, and lets SCC decide if they wish to order such facilities based on that cost.

**Q9. WHY WOULDN'T AMERITECH SIMPLY PROVIDE NEW LEASED FACILITIES, EQUIPMENT, OR RISER CABLE TO SCC UPON REQUEST?**

- A. Ameritech is under no obligation to provide leased facilities, equipment, or riser cable that does not exist. Simply requesting a new leased facility or equipment does not mean that facility or equipment can be provided in a technically feasible manner in the location being requested.

**Issue 6C, UNE Appendix, Section 5**

**Must SCC submit a BFR in order to access UNEs mandated under law when those facilities are not available, or are not addressed in the Agreement or a generic appendix?**

**Q10. WHAT IS YOUR UNDERSTANDING OF THIS ISSUE?**

A. As I understand it, SCC is objecting to Ameritech's proposed language in the UNE Appendix Section 5 and the associated subsections. Ameritech's proposed language requires SCC to use the BFR process when SCC wants to request (1) an item that the FCC has not identified as a UNE; (2) an item that the FCC has identified as a UNE but that Ameritech does not currently offer, and (3) an item that the FCC has identified as a UNE and that Ameritech currently offers, but that does not exist at the location in Ameritech's network where SCC wants it. SCC apparently maintains that SCC should be required to use the BFR process only in the first of those situations – where SCC is requesting an item that the FCC has not identified as a UNE.

**Q11. AS TO SITUATION (2), HOW CAN THERE BE SUCH A THING AS AN FCC-IDENTIFIED UNE THAT AMERITECH DOES NOT OFFER?**

A. Not all UNEs identified by the FCC are available in the networks of all incumbent LECs. Thus, there can be instances where the FCC has identified a UNE, but Ameritech does not offer the UNE because Ameritech does not have the UNE in its network. I am not a lawyer, but as I understand it, the law is quite clear that Ameritech is not required to make available UNEs that do not exist in Ameritech's network.

**Q12. WHY IS AMERITECH PROPOSING THAT SCC USE THE BFR PROCESS FOR UNES THAT THE FCC HAS IDENTIFIED, BUT THAT AMERITECH DOES NOT OFFER?**

A. If SCC requests a UNE that is not available in Ameritech's network, a BFR is necessary in order to trigger a process that will let SCC know if that particular UNE can be provided by Ameritech, and, if so, what Ameritech will charge SCC for the UNE. Since the element is not currently provided by Ameritech, the TELRIC based rate must be developed, and SCC would then have to let Ameritech know if it is still interested.

**Q13. WHY DOESN'T AMERITECH SIMPLY OBTAIN AND PROVISION THE UNE UPON REQUEST?**

A. Again, I am not a lawyer, but as I understand it, Ameritech is not required to build new facilities for CLECs, nor is it required to provide a superior quality network to CLECs than it does for its own retail customers. Beyond that, the mere fact that a CLEC requests a UNE does not mean that provisioning of that UNE in Ameritech's network is technically feasible. Prior to even beginning to develop costs and provisioning for such a UNE, Ameritech must determine if it is technically feasible to do so where the UNE is being requested.

**Q14. UNDER AMERITECH'S PROPOSED LANGUAGE, SCC WOULD ALSO HAVE TO USE THE BFR PROCESS TO REQUEST UNES THAT ARE CURRENTLY AVAILABLE IN AMERITECH'S NETWORK, BUT THAT DO NOT EXIST AT THE PARTICULAR LOCATION WHERE SCC HAS REQUESTED ACCESS TO THE UNE. DOES AMERITECH HAVE ANY OTHER PROCESSES BY WHICH SCC COULD OBTAIN ACCESS TO SUCH UNES?**

A. Yes. Ameritech Illinois has recently implemented a Facilities Modification Process, which permits carriers to obtain new facilities under certain

circumstances. This process has been established to allow Ameritech to work with CLECs to reduce the situations where lack of facilities may delay the CLEC's ability to provide service. If SCC requests a UNE that meets the criteria of this recently developed process, Ameritech will provide the facilities accordingly.

**Q15. DOES THE FACILITIES MODIFICATION PROCESS APPLY TO ALL CASES WHERE FACILITIES ARE NOT AVAILABLE?**

A. No, in some cases the CLEC's request will require non-standardized intervals or processes, which would then require the CLEC to use the BFR process. Additionally, new build situations, i.e., when no facilities ever existed where being requested by the CLEC, also require the use of the BFR process.

**Q16. WHERE DO CLECS GET INFORMATION ON THIS FACILITIES MODIFICATION POLICY?**

A. This policy can be found on the SBC CLEC website.

**Q17. HOW SHOULD THIS PANEL RULE ON THIS ISSUE?**

A. The panel should accept Ameritech's proposed language. This language provides SCC with the ability to obtain UNEs that would not otherwise be available to them from Ameritech's network.

**Q18. DOES THIS CONCLUDE YOUR TESTIMONY?**

A. Yes it does.